

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SEPRACOR INC.,

Plaintiff,

v.

DEY, L.P., and DEY, INC.

Defendants.

C.A. No. 06-113 (JJF)

C.A. No. 06-604 (JJF)

CONSOLIDATED

SEPRACOR INC.,

Plaintiff,

v.

BARR LABORATORIES, INC.,

Defendant.

C.A. No. 07-438 (JJF)

SEPRACOR'S MOTION TO CONSOLIDATE THE DEY AND BARR CASES

Plaintiff Sepracor Inc. hereby moves for an Order consolidating cases pending before this Court that involve the same five patents: (1) *Sepracor Inc. v. Dey L.P., et al.*, C.A. No. 06-113 and C.A. No. 06-604 (JJF) (consolidated); and (2) *Sepracor Inc. v. Barr Labs, Inc.*, C.A. No. 07-438 (JJF). The grounds for this motion are set forth in the opening brief filed herewith.

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February 7, 2008
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RULE 7.1.1 CERTIFICATE

Counsel for Sepracor Inc. hereby certifies pursuant to D. Del. L.R 7.1.1 that they discussed the subject of the foregoing motion with counsel for defendants and that they have not been able to reach agreement thereon.

/s/ Karen Jacobs Loudon
Karen Jacobs Loudon

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CERTIFICATE OF SERVICE

I, hereby certify that on February 7, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

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I also certify that copies were caused to be served on February 7, 2008 upon the following in the manner indicated:

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